



## Small Group: Foreign Sovereign Immunity

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### Hypotheticals

**Purchase of Goods.** Concerned about improving its military readiness, the Ministry of Defense of the Government of Tranquilia contracted with an American manufacturing company to purchase boots and tents for its Army. If the Ministry fails to pay the agreed amount in accordance with the contract, may the American company sue in U.S. courts?

**Regulating Exports.** A state trading company wholly owned by the Royal Federation agreed to supply an American company with high quality uranium hexafluoride extracted from dismantled nuclear warheads. The American company alleges a breach of the contract because the supplied material did not meet the agreed technical specifications. Should the state trading company be entitled to immunity? What if the Government of the Royal Federation has changed its regulations to allow only the export of lower quality material?

**Slip and Fall.** An exchange student from the Kingdom of Verdant, studying in California, went to the Manganese Consulate in San Francisco to apply for a visa. She tripped over a rug in the reception area and broke her ankle. The Consulate says they're not responsible. Can the student sue to recover expenses and damages?

**Expropriation/Nationalization.** The Government of Confusion has seized a food packaging plant owned by a U.S. company in its capital city, as part of a national program to 'nationalize' the relevant industry. The U.S. company stands to lose \$100 million in assets and lost profits. Can it sue the Government in U.S. courts?

What if Confusion's State Agency for Food Exports (SAFE) is the largest supplier of calves' brains (the country's national delicacy) here in the U.S., with annual sales in the many millions of dollars?

Non-Payment of Rent. A New York landlord (property owner) claims that the Mission of Royal Flush to the United Nations has failed to pay rent on its building for over eight straight months. Worse, it has installed improper (non-code-compliant) electrical wiring. Mission staff will not respond to letters or phone calls. What remedies does he have?

Victims of Terrorism. Violence is common in Abusistan. Foreigners travel there at their peril. Recently, a car bomb killed an American tourist. His wife wants to sue the Government of Abusistan for compensation. Can she?

Arbitrary Detention and Abuse Abroad. A citizen of your county alleges that she has been falsely arrested and detained by the authorities in the Republic of Azure. Worse, she was held incommunicado for 90 days, denied consular access, and subjected to severe mistreatment (perhaps constituting torture). Upon her return home, can she sue the Government of Azure for damages? What if one of her torturers comes to the country on vacation, can he be sued?